

REMARKS

Claims 1 through 22 are in the application, with Claims 9 through 18 having been withdrawn. Of the claims under consideration, Claims 1, 19 and 21 are independent.

The pending claims are subject to a restriction requirement. In particular, the Office Action groups the claims into Claims 1 through 8, 19 and 20 (Group I), and Claims 21 through 22 (Group II). Election of one of these Groups is required because the Groups are alleged to be distinct.

In response to the restriction requirement, Applicants provisionally elect Claims 1 through 19. Examination and allowance of the elected claims are respectfully requested.

This provisional election is made with traverse. Applicants request reconsideration of the restriction requirement in light of the following arguments, and pursuant to 37 CFR §1.143. As grounds for traversal, Applicants believe that Groups I and II are not distinct from one another.

Restriction is proper only where an application contains claims directed to two or more independent or distinct inventions. The Office Action alleges that the present claims reflect a combination (Group II) and a related subcombination (Group I) which satisfy the two prongs described in MPEP 806.05(c). In support of the first prong, the Office Action indicates that the combination does not require the particulars of the subcombination for patentability because the combination "has separate utility such as a computer system".

The foregoing statement may indicate that the combination (Group II) does not require particulars of the subcombination (Group I) for utility, but the statement has no bearing on whether the combination (Group II) requires particulars of the subcombination (Group I) for patentability. Rather, the separately claimed subcombination of Group I "constitutes the essential distinguishing feature of the combination" of Group II. Restriction therefore "must not be made" (see §806.05(c)II) between Group I and Group II.

Since the Group I and Group II claims are not distinct under MPEP §806.05(c)II., restriction between these Groups is believed to be improper.

CONCLUSION

Applicants therefore request withdrawal of the outstanding restriction requirement and examination of Claims 1 through 22 on the merits. In this regard, Claims 1 through 22 are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

If there remains any question regarding the present application, or if the Examiner has any suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned via telephone at (203) 972-0049.

Respectfully submitted,

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Date



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